

# EXHIBIT S

9/24/04

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF GENESEE

NU-TECH PLASTICS ENGINEERING, INC.,

Plaintiff,

v

Case No. 02-075335-CK  
Hon. Robert M. Ransom

GENERAL MOTORS CORPORATION,  
a Delaware Corporation, and DELPHI  
AUTOMOTIVE SYSTEMS USA, L.L.C., a  
Delaware Limited Liability Corporation, d/b/a  
DELPHI AUTOMOTIVE SYSTEMS, L.L.C.,

Defendants.

SCHWARTZ LAW FIRM, P.C.  
By: Jay A. Schwartz (P45268)  
Deborah E. Fordree (P49054)  
Attorney for Plaintiff  
37887 West Twelve Mile Road, Suite A  
Farmington Hills, Michigan 48331  
(248) 553-9400

LIPPERT, HUMPHREYS, CAMPBELL,  
DUST & HUMPHREYS, P.C.  
By: A. T. Lippert, Jr. (P16714)  
Attorney for Defendants  
4800 Fashion Square Boulevard, Suite 410  
Saginaw, Michigan 48064-2604  
(989) 792-2552

PLAINTIFF'S THIRD SET OF  
INTERROGATORIES DIRECTED TO DEFENDANTS

NOW COMES Plaintiff, NU-TECH PLASTICS ENGINEERING, INC., by and through its  
attorney, SCHWARTZ LAW FIRM, P.C., and for Plaintiff's Third Set of Interrogatories Directed to  
Defendants, GENERAL MOTORS CORPORATION, and DELPHI AUTOMOTIVE SYSTEMS  
USA, L.L.C. d/b/a DELPHI AUTOMOTIVE SYSTEMS, L.L.C., states as follows:

INSTRUCTIONS

1. Said interrogatories and document requests are to be answered separately and fully in writing within (28) twenty-eight days in accordance with MCR 2.309(B)(4), and MCR 2.310.
2. The answer should be signed and sworn to by the person making them.
3. The answers should disclose all information known by or available to Defendants or others who are in possession of or who may have obtained information for or on behalf of Defendants.
4. If Defendants have no personal knowledge of the facts requested, they shall answer on information and belief, and designate the source of their information. If Defendants cannot answer any interrogatory in whole or in part, they shall answer to the extent possible and explain why they are unable to answer further.
5. Pursuant to MCR 2.309(B)(2), please repeat each interrogatory and/or sub-question immediately preceding the answer thereto.
6. These interrogatories shall be deemed continuing, and supplemental answers shall be required upon receipt thereof, if the person answering the interrogatories and requests directly, or indirectly, obtains further or different information.

INTERROGATORIES

1. List the number of 25160694 parts used by month from 11/1/97 to date.

ANSWER:

2. What is the anticipated future usage by year of 25160694 parts?

ANSWER:

3. What is the number of 25180510 parts used from its inception to date?

ANSWER:

4. What is the anticipated future usage of 25180510 parts by year?

ANSWER:

5. What is the number of weeks per year plants run that use parts 25160694?

ANSWER:

6. What is the number of weeks per year plants run that use parts 25180510?

ANSWER:

7. What is the price paid for 25180510 parts?

ANSWER:

SCHWARTZ LAW FIRM

By 

Jay A. Schwartz (P45268)

Attorney for Plaintiff

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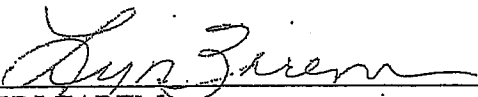
(248) 553-9400

Dated: September 24, 2004

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing instrument was served upon the attorney of record to the above cause by mailing the same to him at his respective address as disclosed by the pleadings of record herein with postage fully prepaid thereon on the 24<sup>th</sup> day of September, 2004, and by faxing to (989) 792-3881.

I declare under penalty of perjury that the statement above is true to the best of my knowledge, information and belief.

  
LYN ZAREM

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BORAH E. FORDREE  
R. MEN MOYER  
NATHAN D. SWEIK  
IAN BIRKS

November 29, 2004

VIA FACSIMILE ONLY

A. T. Lippert, Jr., Esq.  
Suite 410A  
4800 Fashion Square Boulevard  
Saginaw, Michigan 48064-2604

Re: *Nu-Tech Plastics Engineering, Inc. v General Motors, et al*  
*Case No. 02-075335-CK*

Dear Mr. Lippert:

Thank you for your November 19, 2004 fax. As to Part #25160694, your client omitted a substantial period of time (February 1999 – August 2002). Please provide that information, as well as the production information for Part #25180510.

I am also in receipt of the proposed Stipulated Order to Amend we previously discussed. Please forward me a copy of the proposed amended pleading that you intend on filing.

Very truly yours,

SCHWARTZ LAW FIRM

By: Jay A. Schwartz  
JAY A. SCHWARTZ

JAS/wlj

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CARMEN MOYER  
JONATHAN D. SWEEK  
BRIAN BIRKS

January 3, 2005

VIA FACSIMILE ONLY

A. T. Lippert, Jr., Esq.  
Suite 410A  
4800 Fashion Square Boulevard  
Saginaw, Michigan 48064-2604

Re: *Nu-Tech Plastics Engineering, Inc. v General Motors, et al*  
Case No: 02-075335-CK

Dear Tom:

I hope you had a Happy New Year.

There are two issues regarding the January 12, 2005 facilitation. First, my client's expert Gary Leeman needs the production run information we requested from your clients some time ago to complete his damage analysis. Leeman's conclusions are necessary to have meaningful (at least to my client) settlement discussions at facilitation. Do you want to push back facilitation until your clients produce the information? While I'd prefer not to file a motion, I am going to have no alternative unless you clients will sign a Stipulated Order to produce this information during the next few weeks. Second, I now have an evidentiary hearing January 12, 2005 in the morning in Federal Court in Detroit. It should last less than an hour. If you do not want to push back facilitation, could we move the starting time back to 2:00 p.m. if Cliff Hart is available?

I will be in the office most of the day today. Please call me if you have time to discuss these issues.

Very truly yours,

SCHWARTZ LAW FIRM

By: Jay A. Schwartz  
JAY A. SCHWARTZ

JAS/wlj

cc: Nu-Tech Plastics Engineering, Inc.



LIPPERT, HUMPHREYS, CAMPBELL, DUST & HUMPHREYS, P.C.

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GARY R. CAMPBELL

TOBIN H. DUST

JOHN D. L. HUMPHREYS

January 11, 2005

Jay A. Schwartz  
Schwartz Law Firm, P.C.  
37887 W. 12 Mile Rd., Suite A  
Farmington Hills, MI 48331

**RE: Nu-Tech v. Delphi, et al.**

Dear Mr. Schwartz:

I am enclosing copies of spreadsheets that detail the parts shipped by Nu-Tech to Delphi in invoices paid by Delphi to Nu-Tech. Nu-Tech is identified by name on the documents and also by its DUN number. The entries, which pertain to parts 0694, are shown under the heading of "Information" and identifiable as PRON 580000B.

There have been no release documents located for parts that may have been manufactured by Rapid Technologies after its take-over of the business from Nu-Tech. The search is continuing.

If part 0694 was manufactured by Delphi there are no records of that use.

Part 0510 was a limited production order. The order specifically provides for a total of 56,000 parts if needed. The shipments were to be made in July, August, and September of 1999. As I understand from Mr. Cooper's testimony, he saw this order as a short-term order for a limited purpose and there was no claim relating to this order. That is also Mr. Mailey's view of the order.

If I obtain additional information, it will be forwarded to you immediately.

Very truly yours,  
LIPPERT, HUMPHREYS, CAMPBELL,  
DUST & HUMPHREYS, P.C.

  
A.T. LIPPERT, JR.

ATL:kkp

Enclosures

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ONATHAN D. SWEIK

January 20, 2005

VIA FACSIMILE ONLY

A. T. Lippert, Jr., Esq.  
Suite 410A  
4800 Fashion Square Boulevard  
Saginaw, Michigan 48064-2604

Re: *Nu-Tech Plastics Engineering, Inc. v General Motors, et al*  
Case No. 02-075335-CK

Dear Tom:

As a follow up to our conversations, if your client can not produce run information for the two parts other than what has been produced to date, please have them verify this so my damage expert can complete his analysis.

If you should have any questions, please do not hesitate to phone.

Very truly yours,

SCHWARTZ LAW FIRM

By: Jay A. Schwartz  
JAY A. SCHWARTZ

JAS/wlj

LIPPERT, HUMPHREYS, CAMPBELL, DUST & HUMPHREYS, P.C.

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TOBIN H. DUST

JOHN D.L. HUMPHREYS

January 21, 2005

Jay A. Schwartz  
Schwartz Law Firm, P.C.  
37887 W. 12 Mile Rd., Suite A  
Farmington Hills, MI 48331


**RE: Nu-Tech v. Delphi, et al.**

Dear Jay:

I have your letter dated January 20, 2005. I believe that you have all that you are going to get regarding part 0510. The purchase order was issued for what was essentially a special order. The order was filled by Nu-tech and there was no following production. Mr. Mailey has confirmed that fact with me. Mr. Cooper appears to confirm that fact in his deposition testimony.

The purchase order for part 0694 was assigned to Rapid Technologies. I am still attempting to find what Rapid Technologies produced, if anything.

Very truly yours,  
LIPPERT, HUMPHREYS, CAMPBELL,  
DUST & HUMPHREYS, P.C.

  
A.T. LIPPERT, JR.

ATL:kkp

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NATHAN D. SWEIK

January 28, 2005

VIA FACSIMILE ONLY

A. T. Lippert, Jr., Esq.  
Suite 410A  
4800 Fashion Square Boulevard  
Saginaw, Michigan 48064-2604

Re: *Nu-Tech Plastics Engineering, Inc. v General Motors, et al*  
Case No. 02-075335-CK

Dear Mr. Lippert:

Thank you for your January 21st letter. I understand your position regarding part 0510. With respect to part 0694, I do not believe your client has provided the production runs for the part from the date your client took back each of the tools and the assignment to Rapid Technologies.

Very truly yours,

SCHWARTZ LAW FIRM

By:

JAY A. SCHWARTZ

JAS/cl

cc: Nu-Tech Plastics Engineering, Inc.

LIPPERT, HUMPHREYS, CAMPBELL, DUST & HUMPHREYS, P.C.

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JOHN D.L. HUMPHREYS

February 16, 2005

Jay A. Schwartz  
Schwartz Law Firm, P.C.  
37887 W. 12 Mile Rd., Suite A  
Farmington Hills, MI 48331

**RE: Nu-Tech v. Delphi, et al.**

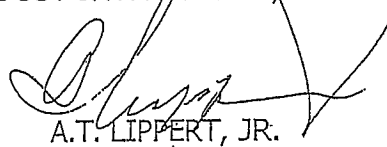
Dear Mr. Schwartz:

I have been advised that there are no records showing the production, if any, of the reservoir part 0694, at the Delphi facility in Flint, Michigan. If the parts were produced by Delphi, the quantity would have been determined by orders placed by Delphi customers and shipped pursuant to those orders. Those records, if any, cannot be located.

If you have any success in locating Nu-Tech's records I would like to review the records. We can arrange for this to be done wherever the records might be stored. Please advise me regarding this matter.

Also, please provide me with dates when your expert can be available for a deposition.

Very truly yours,  
LIPPERT, HUMPHREYS, CAMPBELL,  
DUST & HUMPHREYS, P.C.

  
A.T. LIPPERT, JR.

ATL:kkp

FEB 18 2005